



July 21, 2000

Ms. Tenley Aldredge  
Assistant County Attorney  
Travis County  
P. O. Box 1748  
Austin, Texas 78767

OR2000-2751

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 137301.

Travis County (the "county") received a request for "a list of the names and addresses for people with outstanding warrants issued from April 1, 2000 to present." You claim that the requested information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. You have submitted the list of names and addresses for our review. We have considered the exceptions you claim and reviewed the submitted information.

We initially note that Government Code section 552.022(a)(15) provides that information regarded as open to the public under an agency's policies is public information and not excepted from required disclosure unless it is expressly confidential under other law. In your brief to this office you do not tell us whether the county has a policy regarding the release of information relating to outstanding warrants. If, however, the county has such a policy, and the policy is to release such information, then the submitted information must be released to the requestor pursuant to section 552.022(a)(15).

You argue the warrant list is excepted from public disclosure pursuant to section 552.108(a)(1) of the Government Code. Section 552.108(a)(1) excepts from public disclosure information which would "interfere with the detection, investigation, or prosecution of crime[.]" You explain that the submitted information pertains to criminal investigations that are ongoing. Based upon this representation and a review of the submitted

information, we find that the submitted information is excepted from disclosure pursuant to section 552.108(a)(1). As section 552.108(a)(1) is dispositive, we need not address your other claims.

In summary, if it is the county's policy to publicly release information regarding outstanding warrants, then the submitted information must be released to the requestor pursuant to section 552.022(a)(15). In the event the county does not have such a policy, then the information may be withheld pursuant to section 552.108(a)(1).

This letter ruling is limited to the particular records at issue in this request and to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

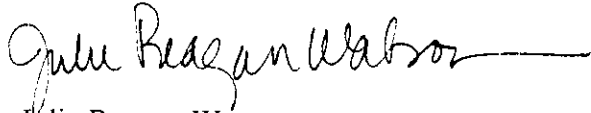
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for

contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, reading "Julie Reagan Watson", followed by a horizontal line.

Julie Reagan Watson  
Assistant Attorney General  
Open Records Division

JRW/pr

Ref: ID# 137301

Encl. Submitted documents

cc: Mr. R. Patrick Fagerberg  
507 West 10th Street  
Austin, Texas 78701  
(w/o enclosures)